

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,811

IN THE MATTER OF:

Served June 5, 2014

Application of CHIEF LIMOS LLC for)	Case No. AP-2013-412
Voluntary Termination of)	
Certificate No. 2048)	

CHIEF LIMOS LLC, Suspension and)	Case No. MP-2013-130
Investigation of Revocation of)	
Certificate No. 2048)	

CHIEF LIMOS LLC, Suspension and)	Case No. MP-2014-034
Investigation of Revocation of)	
Certificate No. 2048)	

This matter is before the Commission on the failure of Chief Limos LLC to respond to Order Nos. 14,598 and 14,617, served February 26, 2014, and March 7, 2014, respectively.

I. BACKGROUND

Certificate No. 2048 was automatically suspended on October 12, 2013, pursuant to Regulation No. 58-12 when the \$1.5 million primary WMATC Insurance Endorsement on file for Chief Limos terminated without replacement. A new endorsement had been submitted on October 11, 2013, but it did not become effective until October 18, 2013.

Order No. 14,276, served October 15, 2013, in Case No. MP-13-130, noted the automatic suspension of Certificate No. 2048 pursuant to Regulation No. 58-12, directed Chief Limos to cease transporting passengers for hire under Certificate No. 2048, and gave Chief Limos 30 days to pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 2048. Chief Limos paid the \$100 late fee on November 25, 2013, and the suspension was lifted in Order No. 14,364 the next day. But because the effective date of the new endorsement was October 18, 2013, instead of October 12, 2013, the order gave Chief Limos 30 days to verify cessation of operations in the Metropolitan District as of October 12, 2013, and to produce corroborating business records, in accordance with Regulation No. 58-14.

Instead of complying with Order No. 14,364, Chief Limos filed an application for voluntary termination on December 15, 2013, in Case No. AP-13-412. Considering that Chief Limos had not denied operating its vehicle(s) on and after the October 12 suspension date, and considering that Chief Limos had failed to produce the required documents, Order No. 14,598, served February 26, 2014, consolidated

Case Nos. MP-13-130 and AP-13-412 and gave Chief Limos 30 days to show cause why the Commission should not assess a civil forfeiture against Chief Limos, and/or suspend or revoke Certificate No. 2048, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

A decision on the voluntary termination application was held in abeyance pending Chief Limos' response.

Thereafter, the WMATC Endorsement filed October 11, 2013, terminated without replacement on March 7, 2014, as noted in Order No. 14,617, served March 7, 2014, in Case No. MP-14-034. That order gave Chief Limos 30 days to file a replacement endorsement and pay the \$100 late insurance fee. The order further gave Chief Limos 30 days to tender the 2014 annual report and \$150 annual fee that were due January 31, 2014, and pay the associated \$300 in late fees, or face revocation of Certificate No. 2048.

Chief Limos has yet to respond to Order Nos. 14,598 and 14,617.

II. ASSESSMENT OF FORFEITURE AND REVOCATION OF AUTHORITY

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.¹

The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate.²

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.³ The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by intentional or careless disregard or plain indifference.⁴

Because Chief Limos has failed to respond to Order Nos. 14,598 and 14,617 and has offered no explanation for this failure, we find that Chief Limos has failed to show cause why the Commission should

¹ Compact, tit. II, art. XIII, § 6(f).

² Compact, tit. II, art. XI, § 10(c).

³ *In re Honeywell Transp. LLC*, No. MP-12-023, Order No. 13,354 (July 18, 2012).

⁴ *Id.*

not assess a civil forfeiture of \$250⁵ and revoke Certificate No. 2048.⁶

THEREFORE, IT IS ORDERED:

1. That Case Nos. MP-2013-130 and AP-2013-412 are hereby consolidated with Case No. MP-14-034 pursuant to Commission Rule No. 20-02.

2. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against Chief Limos LLC in the amount of \$250 for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

3. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 2048 is hereby revoked for Chief Limos LLC's willful failure to comply with Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

4. That Chief Limos LLC's 2014 annual report and \$550 in unpaid fees shall remain due in accordance with Regulation Nos. 60 and 67.

5. That within 30 days from the date of this order Chief Limos LLC shall:

- a. pay to the Commission by money order or check, the sum of eight hundred dollars (\$800);
- b. remove from Chief Limos LLC's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- c. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
- d. surrender Certificate No. 2048 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BROWN:



William S. Morrow, Jr.
Executive Director

⁵ See *id* (same).

⁶ See *id* (same).